

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

RACHEL O. SMITH

CIVIL ACTION NO. 05-1262

VERSUS

JUDGE HICKS

PROGRESSIVE STAMPING AND
PLATING, INC. AND HARDWARE
RESOURCES, INC.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM RULING

Before the Court is Defendants' Motion for Partial Summary Judgment as to State Law Claims" [Doc. No. 18]. Defendants contend that Plaintiff's state law claims are untimely. Plaintiff's counsel does not oppose the dismissal of the state law claims as untimely and contends that he tentatively agreed at the scheduling conference that these claims should be dismissed and agreed at the conference to review this issue. [Doc. No. 21] Nevertheless, the day after the scheduling conference, defense counsel filed a motion for summary judgment seeking dismissal of the state law claims as well as attorney's fees. Defendants' motion seeking dismissal of the state law claims is **GRANTED**. However, under the circumstances presented, Defendants' motion for attorney's fees is **DENIED**.

IT IS SO ORDERED.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 12th day of April, 2006.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE

